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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/623,439	12/04/2000	Edward Hendry Baker	310301-1050	3867
38706	7590	11/14/2008		
FOLEY & LARDNER LLP 975 PAGE MILL ROAD PALO ALTO, CA 94304			EXAMINER LEE, Y YOUNG	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 11/14/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/623,439	Applicant(s) BAKER ET AL.	
	Examiner Y. Lee	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the last office action is hereby vacated.

Election/Restrictions

2. Applicant's election without traverse of Group I in the reply filed on 10/31/05 is acknowledged.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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6. Claims 1-12 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasuyuki et al (JP 60-246190) in view of AAPA.

Yasuyuki et al, in Figures 1-3, discloses a video signal switching system that is substantially the same system for providing continuous reception of a video signal from an on board camera in a mobile object 6 as it moves around a race track as specified in claims 1-12 and 18-20 of the present invention, comprising an on board video camera on the mobile object 6 for generating a video signal and a transmitter provided on the mobile object 6 for transmitting the video signal from the mobile object 6 on a first carrier frequency (v1-v5); first and second receivers (I J1, I J2) that each receive the transmitted video signal on first carrier frequency, first and second receivers having at least partially overlapping detection areas and being located at spaced apart locations about the race track (Fig. 2); a position detector 7 for indicative of the position of the mobile object 6 as the mobile object 6 moves around the race track; and a controller 9 located other than in the mobile object 6 for selecting and outputting the video signal received by the first of the first and second receivers in response to the position signal and for thereafter selecting and outputting the video signal received by the second of the first and second receivers in response to change in the position signal as the mobile object 6 moves around the track.

With respect to claims 2, 5-12, and 18-20, wherein the controller changes from selecting and outputting the signal received by the first receiver to selecting and outputting the signal received by the second receiver when the mobile object 6 is at a predetermined distance from the first receiver (e.g. solid vs. dashed lines in Fig. 2); wherein the transmitter can be controlled to transmit selectively on a plurality of frequencies (v1-v5); wherein the transmission frequency of

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the transmitter is controlled by the controller 9; wherein the position detector 7 determines the position of the mobile object 6 based on information provided by a timing system of the race track (e.g. between I J1 and I J2); a second on board video camera on a second mobile object and a second transmitter provided on said second mobile object, each transmitter simultaneously transmitting video signals to the receivers (e.g. other cars on track, not shown); wherein the receivers and the controller are interconnected by a network of first and second signal lines (e.g. solid and dashed); the output of each of the receivers is selectively connectable, under the control of the controller 9, to the first, the second or neither of the signal lines such that, in use, the output from one of the receivers is connected to the first signal line and the output of a second one of the receivers is connected to the second signal line; and the controller 9 outputs the signal on the signal line connected to the receiver receiving the selected video signal; a further output connected to the signal line not connected to the receiver receiving the selected video signal (v1-v5); additional receivers (1-5) located at spaced apart locations about the race track for receiving the transmitted video signal, the placement and number of receivers sufficient to ensure that there are at least partially overlapping reception areas between adjacent receivers and that there is never a break in the reception of the transmitted video signal as the mobile object moves completely around the race track (Fig. 1); wherein the mobile object is a race car 6.

Although Yasuyuki et al discloses a position detector 7, it is noted Yasuyuki et al differs from the present invention in that it fails to particularly disclose any details of the position signal regarding the arrangement of antennas as specified in claims 1-12 and 18-20. AAPA however, on page 9, lines 5-17, page 15, lines 5-8, and page 17, lines 5-7, for examples, teaches the concept of such well known generation of a position signal using indications (e.g. GPS) other

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than parameters of the received video signal and carrier; and through the set up of helical antennas at the proper height from the ground.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, having both the references of Yasuyuki et al and AAPA before him/her, to exploit the well known position detection system and antenna arrangement as taught by AAPA through the base station within the system of Yasuyuki to provide accurate position information and the proper space and altitude antenna setup in order to move or receive the desired signals.

Response to Arguments

7. Applicant's arguments with respect to claims 1-12 and 18-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 7/19/07 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y. Lee whose telephone number is (571) 272-7334. The examiner can normally be reached on (571) 272-7334.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Young Lee/
Primary Examiner
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